

FCC

Re: 05-231 (Reply Comment)

To Whom It May Concern:

I want to add to my comments I filed on November 10, 2006. It was my disappointment to read comments from the broadcast industries (local stations, national group representing cables and broadcast companies across the country) – claiming, among other things, that they are doing the best they can. They say that it is unnecessary and counter-productive. They say that they are not responsible for this, that it is the programming companies' responsibility. They say they never heard any complaints from deaf viewers, etc. This is a very typical perspective from these groups because they don't want to take the responsibility. They even knew that we've been pushing this for years (the FCC raised this issue 12 years ago and didn't issue any regulations but said it would revisit this at a later time, *which is now.*) So, now the groups are claiming many other excuses that they are quoting from their thick "Excuse Bible" to share with government agencies. And they want this to continue to have caption quality be voluntary instead of having the FCC imposing regulations on them. Again, this is the typical industry response. And I challenge this: If some of these companies think the quality of captioning is adequate or above what it should be, then why are we still having problems with captioning? Did they set up their own standard without us knowing?

I wonder if the networks and cable companies recently spent lot of time, energy, and money to upgrade their audio system (i.e. Dolby Digital). I believe they were doing this to provide the highest quality of sound for broadcasting to the public. Then why do the same groups think audio quality is not in same categories as captioning quality?

I'm a member of the NAD Technology Committee. One member put this in very good perspective when she wrote that was furious when she read the comment from one trade association's "attitude and ignorance". Someone told me someone in the television industry stated that if they have to provide accurate captioning, they'll be willing to put in *Three Scrooge* shows instead of emergency news because they felt they should be held responsible for the quality of captioning. If this is true, I find this highly offensive and that these comments from this industry should be tossed out from the docket.

One other comment from an industry. They say their current technology, which they acknowledged, is not accurate or perfect, is good enough for the caption viewers. Says who? How did they come up with this statement?

In my November 10 comments, I explained my watching two shows, *NCIS* and *Commander in Chief* (November 8), and how the captioning disappeared when the stations minimized the show (to show the election results from Virginia). I decided to write to each station expressing my disappointment and that they need to be held more



responsible. In my letter to them, I asked that they investigated, take the proper actions, and get me a copy of the shows I missed (because there were some critical and interesting dialogue). I would like to share you what they replied:

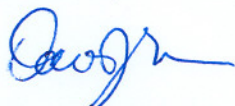
- WUSA wrote back apologizing for the problem they caused and they were able to identify what caused the captioned to disappear, and they reported that they put into a system in place to prevent this from happening again. I was satisfied with their letter because they were honest and open about the mistake. My only disappointment is that they contacted CBS to get me a copy of *NCIS*, unfortunately, CBS declined to offer a copy of the show to the public.
- WJLA's response, in my opinion, was very disappointing. They were unable to identify why the caption disappeared – they claimed they reviewed the tapes and procedures that evening. And, they were unable to discover any problem – they claim the captions were presented and nothing was amiss when the show was minimized. They, too, were unable to supply me a copy of *Commander in Chief*.

As you can see, a rule is needed to deal with what happens when a deaf person asks for a copy of the show when there were disruptions to the captioning. A clear statement needs to be made to the national network and programming companies that this should be available upon request.

Copy of the letters is attached to bottom of this comment.

As you may have noticed, over 1,500 comments were filed, mostly from deaf, hard of hearing, deaf-blind, and non-deaf – they have a lot to say and they're telling you, the commissioners, about their experience with the quality of captioning. On behalf of these Americans, hear us, and go for a standard on quality of captions among the other recommendations we filed with you and the FCC.

Sincerely,



David J. Nelson  
909 F St., NE  
Washington, DC 20002



November 18, 2005

Mr. David J. Nelson  
909 F St., NE  
Washington, DC 20005

Dear Mr. Nelson,

Thank you for writing to us regarding the absence of closed captions during our election results updates. First let me express our sincere regret that captions were missing at any time. We take our captioning responsibilities very seriously and do our best to ensure that our programming is accessible to all of our viewers. On election night, we used a technique called a "squeeze back" that normally compresses the entire screen into a smaller area and keeps the captions intact. We have done this many times for severe weather alerts, school closings, etc. without any problems with the captioning. This is normally done through our Master Control area. On election night we needed to go through our News Control room. What we did not realize is the fact that when this effect is used on network programming that is being re-routed through our news control room the captions are "stripped" away. We could see them coming into the station but they were not being broadcast. I hope I am not being too technical but I wanted you to have as complete an explanation as possible. I have met with our technical staff and they have put a system in place to prevent this from happening again.

I have also contacted CBS to inquire about receiving a captioned copy of the program for you. Unfortunately, they do not offer copies of the program to the public and we do not have the rights to provide you a copy.

Thank you again for writing and if you have any problems with our captioning in the future, please feel free to contact me directly. You may also contact our assignment desk via e-mail at [newswatch@wusa9.com](mailto:newswatch@wusa9.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Khalim Piankhi".

Khalim Piankhi  
Vice President, Community Relations  
W\*USA 9 NEWS  
202-895-5960  
[kpiankhi@wusatv9.com](mailto:kpiankhi@wusatv9.com)





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WJLA WASHINGTON

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November 18, 2005

Mr. David J. Nelson  
909 F St., NE  
Washington, DC 20002

Dear Mr. Nelson:

Your letter dated November 10, 2005 to Fred Ryan has been referred to me for response. You note that the closed captioning on your television was covered during portions of the program, *Commander in Chief*, on Tuesday evening, November 8<sup>th</sup>. We have reviewed our tapes and procedures for that evening and are having a difficult time attempting to find the cause of your problem.

As part of WJLA's closed captioning verification procedures, all engineering operators are instructed to verify that captioning is present when we alter any programming to relay news information to viewers such as 'squeezebacks' and 'breaking news crawls'. On the night in question, we can find no evidence that captioning was disrupted. The information should have been displayed properly on your television. I have spoken with the operator on duty, viewed our internal air check tape of the program and looked into equipment logs for errors or warnings. Our system is designed to properly pass closed captioning information during these events so that captioning is not covered by our news crawls and information screens.

We wish we could give you a reason for the issues you experienced that night, but I simply cannot find any evidence that captioning was disrupted inside of the program path. We have received no other inquiries regarding a loss of captioning which would be highly unusual in the event a captioning loss was wide spread.

We apologize for any disruption that may have occurred. We would gladly provide a copy of the *Commander in Chief* program for your use, but we do not retain copies of network programming supplied by ABC.

If you have any further questions, please call me directly at 703-236-9580.

Very Truly yours,

Robert Forsyth  
Director of Operations and Engineering